

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIAEDWARD ALVARADO, et al.,
Plaintiff,No. C 04-00098 SI
(Related Case No. C 04-0099 SI)

v.

**ORDER RE: PLAINTIFFS' REQUEST FOR
TELECONFERENCE**FEDEX CORPORATION,
Defendant.


On July 28, 2005, the Court received a letter from plaintiffs' counsel regarding the circumstances of their inspection of documents at the FedEx Sunnyvale premises on July 27, 2005. On July 22, 2005, counsel attempted to contact defense counsel to arrange the inspection. Because defense counsel was away on vacation, it took several days to schedule. On July 27, 2005, at 1:30 p.m., plaintiffs' counsel arrived at the Sunnyvale site. What transpired between counsel is the subject of dispute: each party contends that the other behaved unreasonably and obstructed the progress of the document inspection. Plaintiffs contend that there were documents missing from the files provided, that plaintiffs' counsel was only allowed to inspect one box of files in at a time, and that defendant forced counsel to leave at 5:00 p.m. While defendant agrees that the files were provided one box at a time, counsel states that she made efforts to accommodate plaintiffs' requests and submits correspondence between the parties that support this characterization.

Plaintiffs' counsel requested a telephone conference "for the purposes of having the Court rule on what should be done about the Defendants' lack of cooperation with this discovery." Pls.' Letter Br. at 3. Defense counsel responded that a teleconference was not necessary. Because it is not clear what relief, if any, the parties seek at this point, and because the Court cannot determine which party behaved more unreasonably on July 27, 2005, it DENIES plaintiffs' request for intervention.

United States District Court
For the Northern District of California

IT IS SO ORDERED.

Dated: 8/29/06

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SUSAN L. STONE
United States District Judge

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